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CHAPTER Env-Hw 500 REQUIREMENTS FOR HAZARDOUS WASTE GENERATORS

REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 500 as Env-Hw 500. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 500. The numerals of the rules remained unchanged, except that the former Env-Wm 506.01 was readopted with amendments and renumbered as Env-Hw 506.01 through Env-Hw 506.03. Except for Env-Hw 506.02 and Env-Hw 506.03, the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

PART Env-Hw 501 APPLICABILITY AND EXEMPTIONS

Env-Hw 501.01 Applicability.

(a) Env-Hw 500 shall apply to all persons who generate hazardous wastes, unless specifically exempted in Env-Hw 501.02, including:

- (1) Owners or operators of permitted facilities that initiate a shipment of hazardous waste or waste residues;
- (2) Any person who imports hazardous waste into the United States; and
- (3) Persons who generate or accumulate any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any hazardous waste, as identified in Env-Hw 404.

(b) With respect to household hazardous waste collected or accumulated as specified in Env-Hw 401.03(b)(1), the owner, operator, or person so designated in a contractual agreement shall be designated as the generator. Unacceptable wastes may be returned to the household which generated them or held by the operator until the generating household can make alternative disposal arrangements.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 501.02 Exemptions.

(a) Farmers who dispose of hazardous waste pesticide residues from their own use shall be exempted from Env-Hw 500 provided they triple rinse each emptied pesticide container in accordance with 40 CFR 261.7(b)(3), 7-1-07 edition and dispose of the pesticide residues on their own farm in a manner consistent with the disposal instructions on the pesticide label.

(b) Env-Hw 507.03(b), Env-Hw 510 and Env-Hw 511 shall not apply to government entities when transporting household hazardous wastes to a household hazardous collection project or a transfer, treatment, storage or disposal facility, provided that the following conditions are met:

- (1) The government entity shall obtain prior approval from the household hazardous waste collection project or the transfer, treatment, storage or disposal facility receiving the waste;

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- (2) All household hazardous waste shall be separated by DOT hazard class, as specified in 49 CFR 177.848 (b), (c), (d), and (e), 10-1-07 edition, prior to transport;
 - (3) The household hazardous wastes shall be:
 - a. Loose-packed or over-packed in containers meeting DOT specifications for hazardous materials, as defined in 49 CFR 178, 10-1-07 edition; or
 - b. Packaged in strong outside containers, as defined in 49 CFR 171.8, 10-1-07 edition, if the waste is in its original container and less than 8 gallons;
 - (4) The containers or strong outside containers shall be labeled with the following information:
 - a. DOT hazard classes as specified in 49 CFR 173.2, 10-1-07 edition;
 - b. Date the waste was collected; and
 - c. Name of the original government entity who collected the waste;
 - (5) All containers shall be sealed and secured for transport in a manner that prevents leakage, spillage, and releases to the environment;
 - (6) During transportation, the transporter shall retain a bill of lading describing the contents of the vehicle;
 - (7) The waste shall be transported only in vehicles that are owned and registered by a government entity and operated by a government entity employee; and
 - (8) All persons transporting 55 gallons or more of household hazardous waste shall have a minimum of 24 hours of initial training in function specific hazardous waste handling, safety, hazard communication and emergency procedures and 8 hours of annual refresher training.
- (c) Env-Hw 510 shall not apply to small quantity generators transporting their own hazardous waste in accordance with Env-Hw 601.02(b)(1) and (b)(3) to another facility in New Hampshire that:
- (1) Is owned or operated by the owner or operator of the small quantity generator site;
 - (2) Has notified the department of this activity in accordance with Env-Hw 504; and
 - (3) Counts the waste received towards its generator status in accordance with Env-Hw 503.
- (d) The rules in Env-Hw 507, Env-Hw 508, Env-Hw 509, Env-Hw 511 and Env-Hw 513 shall not apply to transporters while they are collecting only curbside household hazardous waste.
- (e) The rules in Env-Hw 500, except for Env-Hw 502.01, shall not apply to universal waste handlers and universal waste transporters handling universal waste, provided that the waste is managed in accordance with Env-Hw 1100.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 502 HAZARDOUS WASTE DETERMINATION

Env-Hw 502.01 Hazardous Waste Determination. All generators of waste shall determine if that waste is a hazardous waste as set forth in Env-Hw 401.01 using the following steps:

- (a) Generators shall first determine whether the waste is exempted from regulation under Env-Hw 401.03;
- (b) Generators shall then determine if the waste is listed as a hazardous waste in Env-Hw 402;
- (c) If the waste is not listed in Env-Hw 402, generators shall determine whether the waste is identified in Env-Hw 403 or constitutes a hazardous waste mixture or other material regulated under Env-Hw 404 by either:
 - (1) Testing the waste according to the hazardous waste determination methods set forth in Env-Hw 401.04 and Env-Hw 403; or
 - (2) Applying knowledge of the hazardous nature or characteristics of the waste based on the materials or processes used to generate the waste.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 503 GENERATOR CLASSIFICATIONS

Env-Hw 503.01 Small Quantity Generators. A small quantity generator shall be any generator who, in each and every calendar month, generates less than:

- (a) 100 kilograms or 220 pounds of hazardous waste;
- (b) One kilogram or 2.2 pounds of an acutely hazardous waste; and
- (c) 100 kilograms or 220 pounds of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of any acutely hazardous waste.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 503.02 Full Quantity Generators. The department shall classify a generator as a full quantity generator if the generator:

- (a) Generates equal to or greater than a total of 100 kilograms or 220 pounds of hazardous waste in any single month;
- (b) Accumulates greater than 1,000 kilograms or 2,200 pounds of hazardous waste at any time;
- (c) Generates equal to or greater than one kilogram or 2.2 pounds of an acutely hazardous waste in any single month;

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(d) Accumulates equal to or greater than one kilogram or 2.2 pounds of an acutely hazardous waste at any time;

(e) Generates equal to or greater than 100 kilograms or 220 pounds of spill cleanup material contaminated with acutely hazardous waste in any single month; or

(f) Accumulates equal to or greater than 100 kilograms or 220 pounds of spill cleanup material contaminated with acutely hazardous waste at any time.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 503.03 Classification Calculation. In determining the quantity of hazardous waste generated, a generator shall not have to include:

(a) Hazardous waste that is exempt from the hazardous waste rules pursuant to Env-Hw 401.03;

(b) Hazardous waste that is managed immediately upon generation only in on-site permitted elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in Env-Hw 103 or Env-Hw 104;

(c) Hazardous waste that is recycled:

(1) Without prior storage or accumulation; and

(2) Only in an on-site process subject to regulation under Env-Hw 804.01(b)(4);

(d) Used oil, as defined in Env-Hw 104, when being recycled as set forth in Env-Hw 807;

(e) Spent lead acid batteries managed under the requirements of Env-Hw 809;

(f) Hazardous waste when it is removed from on-site storage;

(g) Hazardous waste produced by on-site treatment, including reclamation, of the hazardous waste, so long as the hazardous waste that is treated was counted once;

(h) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once; or

(i) Universal waste managed in accordance with Env-Hw 1100.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 504 NOTIFICATION

Env-Hw 504.01 Notification.

(a) Each generator shall notify the department prior to conducting any hazardous waste activities covered under the hazardous waste rules.

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(b) Subject to (c), below, each generator shall notify the department within 30 days of the effective date of any statutory or regulatory amendment requiring notification and/or an EPA identification number. If the generator has previously notified and obtained an EPA identification number, a subsequent notification form shall be completed and submitted for the new regulated activity.

(c) If a statute sets a different deadline for notification, the statutory deadline shall control.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 504.02 Notification Information Requirements.

(a) Notification shall be given by completing and filing with the department a New Hampshire notification form, except as otherwise stipulated in Env-Hw 505.03 or Env-Hw 505.04, or in (d), below.

(b) Notification shall include the following information:

- (1) Company name;
- (2) Mailing address;
- (3) Street address of generating site;
- (4) Contact person, title, and telephone number;
- (5) Company ownership;
- (6) Property ownership;
- (7) Generator status;
- (8) Type and description of regulated activity;
- (9) For each waste stream, a narrative description, estimated quantity generated per month, and the EPA/NH hazardous waste number; and
- (10) Certification by an authorized company official as to the accuracy of the information provided on the notification form.

(c) Each generator shall submit a notification form for each on-site location where hazardous waste activity is conducted.

(d) A generator shall notify the department verbally or in writing of any changes to the information provided in (b)(1), (2), (4), (7), (8), or (9), above, within 30 days of the effective date of any change.

(e) A generator shall complete and submit to the department a New Hampshire notification form for any changes to the information required in (b)(3), (5), or (6), above, within 30 days of the effective date of any change.

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(f) A generator shall notify the department, using a declassification request form, within 7 days after ceasing hazardous waste activities at a particular site.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 504.03 Notification Determination.

(a) If the department, upon examination of a notification form, determines that the form fails to meet the requirements of Env-Hw 504.02(a) and (b), the department shall notify the generator of the deficiency.

(b) Such notice shall specify the deficiencies.

(c) The owner or operator shall have 30 days from receipt to respond to such notice of deficiency and to explain or correct the alleged deficiency.

(d) If the generator does not respond within 30 days, the generator shall be deemed not to have notified and shall be required to renotify and submit a new notification form.

(e) If a notification form is deemed complete, the department, with the EPA's assistance, shall issue a permanent EPA identification number.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 505 IDENTIFICATION NUMBERS

Env-Hw 505.01 Identification Numbers. A generator shall not treat, store, dispose, transport, or offer a hazardous waste for transportation without having received from the department:

(a) An EPA identification number;

(b) If the criteria of Env-Hw 505.03(a) and (b) are met, an emergency or temporary identification number; or

(c) If the criteria of Env-Hw 505.04(b) are met, a New Hampshire identification number.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 505.02 EPA Identification Numbers.

(a) An EPA identification number shall be issued to all generators that submit a notification form that meets the requirements of Env-Hw 504.02.

(b) EPA identification numbers shall:

(1) Be site specific; and

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(2) Remain valid until the department has been notified in writing that:

- a. Operations have ceased; and
- b. Hazardous wastes are no longer generated on-site.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 505.03 Emergency and Temporary Identification Numbers.

(a) An emergency or temporary identification number shall be obtained by nonrecurrent generators of hazardous waste that are required to manifest hazardous waste due to a one-time cleanup.

(b) A one-time cleanup shall include, but not be limited to, removal of:

- (1) Off-specification materials;
- (2) Underground storage tanks; and
- (3) Contaminated soil due to a spill.

(c) The generator shall obtain an emergency or temporary identification number by contacting the department verbally or in writing and providing the following information:

- (1) Company/individual name and mailing address;
- (2) Street address from where the waste is being transported;
- (3) Contact person, title, and telephone number; and
- (4) Waste(s) description, EPA/state waste number, and estimated amount to be transported.

(d) An emergency or temporary identification number shall be valid for 30 days only. If the waste cannot be removed within 30 days due to temporary, unforeseen, and uncontrollable circumstances, an extension shall be granted by the department upon request of the generator.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 505.04 New Hampshire Identification Numbers.

(a) A generator may obtain a New Hampshire identification number in situations where an EPA identification number is not required.

(b) A New Hampshire identification number shall be issued to the following generators:

- (1) Generators who transport their own hazardous waste in accordance with Env-Hw 600;
- (2) Generators who only generate hazardous waste with a NH hazardous waste number;

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(3) Generators of less than 100 kilograms per month of a waste that is reclaimed under a contractual agreement whereby:

- a. The type of waste and frequency of shipments are specified in the agreement;
- b. The vehicle used to transport the waste to the recycling facility and to deliver the regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
- c. The generator agrees to keep a copy of the reclamation agreement for at least 3 years after the termination or expiration of the agreement; or

(4) Generators of household hazardous waste collected as part of a household hazardous waste collection project as described in Env-Hw 401.03(b)(1).

(c) A generator shall obtain a New Hampshire identification number that is site-specific by contacting the department, verbally or in writing, and providing the information specified in Env-Hw 505.03(c).

(d) Any generator who is a transporter collecting curbside household hazardous waste shall obtain a New Hampshire identification number that is non-site specific by contacting the department, verbally or in writing, at least 30 days prior to the collection, and providing the following information:

- (1) The company name;
- (2) The company mailing address;
- (3) A contact person, title, and telephone number;
- (4) The name of the company owner;
- (5) A description of the regulated activity;
- (6) A description of the area(s) to be serviced;
- (7) The start date and expected completion date of the collection; and
- (8) The waste handling instructions provided by the transporter to the household specifying how the household should handle its waste prior to acceptance by the transporter.

(e) New Hampshire identification numbers shall remain valid until the generator has:

- (1) Notified the department, verbally or in writing, that operations have ceased and that hazardous wastes are no longer generated on-site; or
- (2) Obtained an EPA identification number.

Source. #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

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PART Env-Hw 506 ENVIRONMENTAL AND HEALTH REQUIREMENTS

Env-Hw 506.01 Hazard Minimization.

(a) While accumulating hazardous wastes, the generator shall not use storage practices that pose a hazard to human health or the environment.

(b) The generator shall:

- (1) Comply with all surface water standards as specified in the Federal Clean Water Act and the Federal Safe Drinking Water Act;
- (2) Comply with all air emission limits specified in the Federal Clean Air Act and New Hampshire implementation plans;
- (3) Prevent exposure of workers to chemicals in violation of Occupational Safety and Health Administration standards or New Hampshire RSA 277-A; and
- (4) Prevent exposure of humans or the environment to harmful quantities of hazardous waste or its constituents.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 506.02 Soil or Groundwater Contamination; Disposal or Decontamination of Contaminated Materials.

(a) If soil or groundwater contamination is detected, the generator shall meet the requirements of Env-Hw 702.13.

(b) Regarding disposal or decontamination of equipment, structures, and soils, generators shall be exempt from all requirements in Subparts G and H of 40 CFR Part 265, 7-1-01 edition, except for:

- (1) The closure performance standard set forth in 40 CFR 265.111, 7-1-01 edition; and
- (2) The requirements of 40 CFR 265.114, 7-1-01 edition.

Source. (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 506.03 Management of Wastes Upon Cessation of Operations. Generators who cease operation of their generating facility shall continue to manage their hazardous wastes in accordance with all applicable generator standards. Failure to continue such management shall be deemed disposal of the waste.

Source. (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 507 STORAGE REQUIREMENTS

Env-Hw 507.01 Storage Requirements.

(a) All hazardous wastes shall be placed in containers or tanks that:

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- (1) Are in good condition;
- (2) Are chemically compatible with the waste stored therein such that no leakage or deterioration of the container or tank occurs; and
- (3) Remain closed at all times except to add or remove waste.

(b) Hazardous waste containers shall be stored on impervious surfaces. Impervious surfaces shall include concrete and asphalt unless cracks or holes are present, and shall not include earthen, wooden, or gravel surfaces.

(c) Except as provided at (d), below, hazardous waste containers shall not be stored in areas with functional floor drains or manholes, or in or near a sink with a functional drain present, unless secondary containment is provided around all hazardous waste container storage areas capable of containing the volume of the largest capacity hazardous waste container present.

(d) The containment system required by (c), above, shall not be required for hazardous waste storage areas that store containers holding only wastes that do not contain free liquids provided that:

- (1) The hazardous waste storage area is sloped or is otherwise designed to drain and remove liquid resulting from precipitation; or
- (2) The containers are elevated or otherwise protected from contact with accumulated liquid.

(e) Hazardous waste containers stored outside shall:

- (1) Be covered to prevent precipitation from coming in contact with the tops of the containers and to keep the secondary containment structure free of rain, snow, and ice;
- (2) Be kept covered at all times except when the generator is actively adding wastes to or removing wastes from a container or is moving a container to another location;
- (3) Have secondary containment that is adequate to hold any spills or leaks at 110% of the volume of the largest container in the storage area; and
- (4) Not be stored within any of the following set-backs:
 - a. For surface waters, 50 feet;
 - b. For private wells, 75 feet;
 - c. The protective radius of any public water supply well; or
 - d. For storm drains, 50 feet.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 507.02 Storage Time Requirements.

(a) A generator may without a permit accumulate, in a container or tank, hazardous waste that is generated on-site provided that the wastes are shipped off-site within 90 days of the date when accumulation

of the waste first began except as provided in Env-Hw 508.02, Env-Hw 508.03, Env-Hw 509.03, and (c), below.

(b) Except as provided in Env-Hw 508.02, Env-Hw 508.03, Env-Hw 509.03, and (c), below, a generator who accumulates hazardous waste for greater than 90 days shall be deemed an operator of a storage facility and so subject to all facility requirements as provided in Env-Hw 300 and Env-Hw 700 unless the generator has been granted by the department:

- (1) A waiver of the 90-day period as provided in Env-Hw 202; or
- (2) An extension of the 90-day period.

(c) A generator of wastewater treatment sludges from electroplating operations that meet the hazardous waste code F006 pursuant to Env-Hw 401.02 may accumulate F006 waste for more than 90 days, but not more than 180 days, provided the criteria of 40 CFR 262.34(g), 7-1-07 edition, are met.

(d) A generator who accumulates F006 waste on-site for greater than 180 days or who accumulates more than 20,000 kilograms of F006 waste on-site shall be deemed an operator of a storage facility and be subject to all facility requirements as provided in Env-Hw 300 and Env-Hw 700 unless the generator has been granted by the department:

- (1) A waiver, as provided in Env-Hw 202, of the 20,000 kilograms limit if the limit will be exceeded due to unforeseen, temporary, and uncontrollable circumstances; or
- (2) An extension of the 180 day period.

(e) A generator who wishes to obtain an extension pursuant to (b)(2) or (d)(2), above, shall submit a written request for an extension which explains the circumstances warranting such an extension.

(f) The department shall grant an extension pursuant to (b)(2) or (d)(2), above, if hazardous wastes will remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

(g) An extension granted by the department pursuant to (b)(2) or (d)(2), above, shall be limited to 30 days.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 507.03 Packaging/Labeling/Pre-transport.

(a) Except as provided at Env-Hw 508.02, Env-Hw 508.03, or Env-Hw 509.03, the generator shall comply with the following packaging, labeling and pre-transport requirements while storing hazardous wastes:

- (1) Containers and tanks used for the storage of hazardous wastes shall be clearly labeled or marked with the following information at the time they are first used to store wastes:
 - a. The beginning accumulation date;
 - b. The words “hazardous waste”;
 - c. Words that identify the contents of the container; and

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- d. The EPA or state waste number, as applicable; and
- (2) Hazardous waste labels shall not be hidden by walls or other containers.
- (b) Before transporting or offering hazardous waste for transportation off-site, the generator shall:
 - (1) Package the waste in US DOT containers as specified in 49 CFR 173, 178, and 179, 10-1-07 edition;
 - (2) Mark and label each container in accordance with the applicable US DOT regulations on hazardous materials under 49 CFR Part 172, 10-1-07 edition; and
 - (3) Mark each container of 119 gallons or less used in such transportation in accordance with the requirements of 49 CFR Part 172, 10-1-07 edition by including:
 - a. The following information:
 - 1. The generator's name and address; and
 - 2. The manifest tracking number; and
 - b. The following statement:

"HAZARDOUS WASTE Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency".
- (c) Before transporting or offering hazardous waste for transportation off-site, the generator shall determine that the transporter possesses a current and valid New Hampshire hazardous waste transporter registration and has been issued an EPA identification number, and:
 - (1) That each vehicle is placarded in accordance with DOT regulations for hazardous materials under 49 CFR 172, subpart F, 10-1-07 edition, and rules adopted by the New Hampshire department of safety; or
 - (2) If placards are not required, that each vehicle is marked in accordance with 49 CFR 171.3(b)(1), 10-1-07 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 508 SMALL QUANTITY GENERATORS

Env-Hw 508.01 Small Quantity Generators. In addition to the requirements of Env-Hw 501 through Env-Hw 507 and Env-Hw 510 through Env-Hw 514, small quantity generators shall comply with the specific quantity and storage requirements of Env-Hw 508.02 or Env-Hw 508.03.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 508.02 Small Quantity Generator Storage Requirements. A small quantity generator may accumulate less than 100 kilograms or 220 pounds of hazardous waste, or less than one kilogram or 2.2 pounds of an acutely hazardous waste, provided the following requirements are met:

- (a) The quantity of hazardous waste accumulated on-site shall never reach or exceed 100 kilograms or 220 pounds of hazardous waste or one kilogram or 2.2 pounds of an acutely hazardous waste;
- (b) The following shall be maintained near the hazardous waste:
 - (1) Spill control equipment, such as speedi-dry or absorbent rags; and
 - (2) Fire control equipment, such as fire extinguishers;
- (c) "No smoking" signs shall be posted near ignitable or reactive wastes;
- (d) Containers and tanks used for the storage of hazardous wastes shall be clearly labeled or marked with the following information at the time they are first used to store wastes:
 - (1) The words "hazardous waste"; and
 - (2) Words that identify the contents of the container;
- (e) A minimum of 2 feet aisle space shall be maintained to allow for inspection of at least one side of each container at or near each hazardous waste storage area; and
- (f) The hazardous wastes shall be transported off-site in accordance with Env-Hw 510 and Env-Hw 511.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 508.03 Small Quantity Generator Extended Quantity and Storage Provision. Small quantity generators may accumulate up to 1,000 kilograms or 2,200 pounds of nonacutely hazardous waste on-site for greater than 90 days without a permit provided that they comply with the following requirements:

- (a) Hazardous waste containers shall be managed in accordance with 40 CFR Part 265 Subpart I - Use and Management of Containers except 40 CFR 265.178, 7-1-99 edition, which includes weekly inspections of all hazardous waste containers;

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(b) Hazardous waste tanks shall be managed in accordance with 40 CFR Part 265 Subpart J - Tanks except 40 CFR 265.197(c), 40 CFR 265.200, 40 CFR 265.201, and 40 CFR 265.202, 7-1-99 edition, which includes daily inspections of all hazardous waste tanks;

(c) The hazardous waste shall be under the control of a designated hazardous waste manager or emergency coordinator or designee;

(d) At all times there shall be at least one employee designated as the emergency coordinator who is either on the premises or on call, who is available to respond to an emergency by reaching the facility within a short period of time, with the responsibility for coordinating all emergency response measures;

(e) The generator shall post the following information next to the telephone nearest each hazardous waste storage area:

(1) The name and telephone number, both work and home, of the emergency coordinator and the emergency coordinator's designee;

(2) The telephone numbers of the fire department, police department, hospital, and state of New Hampshire and local emergency response teams that may be called upon to provide emergency services; and

(3) The location of fire extinguishers and spill control material, and, if present, fire alarm;

(f) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies;

(g) The generator shall comply with 40 CFR Part 265 Subpart C, Preparedness and Prevention, 7-1-07 edition, including maintaining at or near each hazardous waste storage area spill control equipment, fire control equipment;

(h) A minimum of 2 feet of aisle space shall be maintained to allow for inspection of at least one side of each container;

(i) The generator shall post "no smoking" signs near ignitable or reactive wastes;

(j) Upon reaching the on-site accumulation limit of 1,000 kilograms or 2,200 pounds of nonacutely hazardous waste, the wastes are shipped off-site in accordance with Env-Hw 510 and Env-Hw 511, within 90 days to a facility authorized under the destination state's rules to handle the waste;

(k) Containers and tanks used for the storage of hazardous wastes shall be clearly labeled or marked with the following information at the time they are first used to store wastes:

(1) The words "hazardous waste"; and

(2) Words that identify the contents of the container;

(l) Containers and tanks used for the storage of hazardous waste shall be clearly labeled or marked with the date the on-site accumulation limit of 1,000 kilograms or 2,200 pounds of non-acute hazardous waste is reached; and

(m) Containers and tanks used for the storage of hazardous waste shall be clearly labeled or marked with the EPA or state waste number before transporting or offering hazardous waste for transportation off-site.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 509 FULL QUANTITY GENERATORS

Env-Hw 509.01 Full Quantity Generators Requirements. In addition to the requirements of Env-Hw 501 through Env-Hw 507 and Env-Hw 510 through Env-Hw 513, full quantity generators shall comply with the accumulation and storage requirements in Env-Hw 509.02 and Env-Hw 509.03.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 509.02 Full Quantity Generator Storage Requirements.

(a) Full quantity generators shall comply with the following standards:

- (1) 40 CFR 265.15, 7-1-01 edition, General inspection requirements;
- (2) 40 CFR 265.16, 7-1-01 edition, Personnel training;
- (3) 40 CFR 265.17, 7-1-07 edition, General requirements for ignitable, reactive or incompatible wastes;
- (4) 40 CFR Part 265, Subpart C, 7-1-07 edition, Preparedness and Prevention;
- (5) 40 CFR Part 265, Subpart D, 7-1-01 edition, Contingency Plan and Emergency Procedures;
- (6) 40 CFR Part 265 Subpart I, 7-1-99 edition, Use and Management of Containers; and
- (7) 40 CFR Part 265 Subpart J, 7-1-99 edition, Tanks, except 40 CFR 265.197(c), 40 CFR 265.200, and 40 CFR 265.201.

(b) Each full quantity generator shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to each hazardous waste storage area:

- (1) The telephone number(s) where the emergency coordinators can be reached;
- (2) The fire department, police department, hospital, and state of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24 hour response team designated to provide emergency services whose number is posted; and
- (3) The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarm.

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(c) Each full quantity generator shall provide the following security measures at all outdoor hazardous waste storage areas:

- (1) An artificial or natural barrier, such as a fence in good repair, which completely surrounds the hazardous waste storage area to prevent the unauthorized or unknowing entry of individuals or livestock;
- (2) A means to control entry, at all times, through gates or other entrances to the hazardous waste storage area such as an attendant, television monitor, locked entrance, or controlled roadway access to the area; and
- (3) A sign with the legend "Danger - Unauthorized Personnel Keep Out" at each entrance to the hazardous waste storage area. Existing signs with other than the aforementioned legend may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the area and that entry can be dangerous.

(d) As incorporated by reference in (a)(2), above, and used in 40 CFR 265.16 (a)(2), "a person trained in hazardous waste management procedures" means an outside hazardous waste management trainer or an in-house employee who has completed a hazardous waste management course or provides documentation to demonstrate his/her own capabilities as in-house trainer.

(e) As incorporated by reference in (a)(4), above, and used in 40 CFR Part 265.35, "required aisle space" means not less than 2 feet to allow for inspection of at least one side of each container.

(f) As incorporated by reference in (a)(4), above, and used in 40 CFR Part 265.32 "required equipment" means the equipment required at each hazardous waste storage area, not more than 100 feet from each area, accessible along a clear path. In the case of "clean rooms" which use spill carts, doors may be present provided they are unlocked at all times.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 509.03 Full Quantity Generator Satellite Storage Provision. A full quantity generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste as listed in Env-Hw 402.04 in containers at or near any point of generation where wastes initially accumulate without a standard permit or interim status and without complying with the 90-day time limit specified in Env-Hw 507.02(a), the container labeling and marking requirements of Env-Hw 507.03(a)(1), the preparedness and prevention requirements of Env-Hw 509.02(a)(4), and the emergency posting requirements of Env-Hw 509.02(b), provided that:

(a) The hazardous waste container(s) are under the control of the operator of the process generating the waste;

(b) The operator of the process generating the hazardous waste has been trained as specified in Env-Hw 509.02(a)(2), except that, in lieu of the annual training requirements specified in 40 CFR 265.16, the training interval shall be 3 years;

(c) The environmental and health requirements of Env-Hw 506 are met;

(d) The storage requirements of Env-Hw 507.01 are met;

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- (e) Incompatible wastes are separated pursuant to 40 CFR 265.177(c), 7-1-99 edition;
- (f) A minimum of 2 feet aisle space is maintained to allow for inspection of at least one side of each container;
- (g) At the time the container(s) are first used to store wastes, the hazardous waste container(s) are clearly labeled or marked with:
 - (1) The words “hazardous waste”; and
 - (2) Words that identify the contents of the container(s);
- (h) For satellite storage areas that have accumulated greater than 10 gallons of hazardous waste, the container(s) are inspected at least monthly for leaks and for deterioration caused by corrosion and other factors; and
- (i) When the amount of hazardous waste in a satellite storage area reaches the accumulation limit specified in this section, the generator:
 - (1) Immediately labels or marks the hazardous waste container(s) with the following:
 - a. The date the accumulation limit was reached; and
 - b. The EPA or state waste number, as applicable;
 - (2) Moves the hazardous waste to a designated hazardous waste storage area within 3 days of reaching the accumulation limit; and
 - (3) Ships the hazardous waste off-site within 90 days of the date the accumulation limit was reached.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 510 MANIFEST REQUIREMENTS

Env-Hw 510.01 General Requirements. When shipping a hazardous waste off-site, a generator shall prepare a manifest in accordance with 40 CFR 262 Subpart B, 7-1-07 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 510.02 Manifest Copy Distribution and Signatory Requirements.

- (a) The generator shall provide 7 copies of the manifest for distribution if the destination state does not require a copy of the manifest and 8 copies of the manifest if the destination state does require a copy. A legible photocopy shall be acceptable as the 7th and 8th copies.

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(b) The generator shall sign and date by hand the certification on the first copy of the manifest form and shall ensure that the signature imprint and date are legible on all copies.

(c) The generator shall obtain the date of acceptance and handwritten signature of the initial transporter.

(d) The generator shall:

(1) Retain one copy of the manifest with signatures as described in (b) and (c), above; and

(2) Forward one of the photocopies of the manifest with signatures as described in (b) and (c), above, to:

a. The destination state if required by that destination state; and

b. The department within 5 days of shipment.

(e) The generator shall provide 5 copies of the manifest to the transporter to accompany the shipment.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 510.03 Manifest Information. The manifest shall:

(a) Contain all of the information required in the Appendix to 40 CFR Part 262, 7-1-07 edition, except that the word “wastes” shall be substituted for “waste codes” under the instructions for manifest item 27;

(b) For manifest item 13, identify wastes using the following:

(1) The waste code “NHX1” for wastes that are destined for recycling and are exempt from the hazardous waste clean up fee according to RSA 147-B:9, III;

(2) The waste code “NHX2” for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, VI;

(3) The waste code “NHX3” for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, IV;

(4) The waste code “NHX4” for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, I;

(5) The waste code “NHX5” for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, II; and

(6) The waste code “NHX6” for wastes that are exempt from the hazardous waste cleanup fees according to RSA 147-B:9, V; and

- (c) Be signed in accordance with 40 CFR Part 262, 7-1-07 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 510.04 Errors/Discrepancies.

- (a) The generator shall initial and date any corrections to the manifest prior to shipment.
- (b) If the manifest is rendered unusable, the manifest shall be voided and destroyed.
- (c) If an error on the manifest is detected after the waste has been shipped, the generator shall immediately contact the facility and advise the operator of the error.
- (d) For discrepancies involving the type or quantity of waste manifested, the department shall acknowledge such changes only if the facility has corrected the manifest or submitted a discrepancy report in accordance with Env-Hw 703.02.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 510.05 Rail or Water Shipments.

- (a) For bulk shipments of hazardous waste that occur solely by water and for rail shipments of hazardous waste which originate at the site of generation, the generator shall comply with the provisions of this section instead of with the provisions of Env-Hw 510.02(d).
- (b) For bulk shipments of hazardous waste that occur solely by water, the generator shall within 5 days of shipment send:
- (1) To the owner or operator of the designated facility, or to the last water transporter to handle the waste in the United States if exported by water, 4 copies of the manifest dated and signed;
 - (2) To the department, one copy; and
 - (3) To the destination state, one copy, if the shipment remains within the United States and the destination state requires a copy.
- (c) For rail shipments of hazardous waste which originate at the site of generation, the generator shall within 5 days of shipment send 4 copies of the manifest dated and signed to:
- (1) The next non-rail transporter, if any;
 - (2) The designated facility if transported solely by rail; or

- (3) The last rail transporter to handle the waste in the United States if exported by rail.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 510.06 International Shipments. Notwithstanding any other provisions of the hazardous waste rules, all generators importing or exporting hazardous waste shall meet the requirements of 40 CFR 262 Subparts E and F, 7-1-07 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 511 DELIVERY OF HAZARDOUS WASTE

Env-Hw 511.01 Delivery.

- (a) A generator shall not offer hazardous waste to:
- (1) A transporter or a facility that has not obtained an EPA identification number; or
 - (2) A transporter that does not possess a current and valid New Hampshire hazardous waste transporter registration.
- (b) Except as provided in (f), below, a generator shall deliver the hazardous waste to a facility authorized under the destination state's rules to handle the hazardous waste.
- (c) Except as provided in (f), below, if the generator does not receive a copy of the manifest from the operator of the receiving facility within 45 days of shipment, the generator shall contact the operator to determine the status of the hazardous waste shipment. If the generator is unable to contact the operator, then the generator shall contact the transporter.
- (d) If the generator does not receive a copy of the manifest with the hand-written signature of the operator of the designated facility, then the generator shall submit an exception report to the department within 60 days of shipment.
- (e) Exception reports submitted pursuant to (d), above, shall include:
- (1) A legible copy of the manifest for which the generator does not have confirmation of delivery; and
 - (2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.
- (f) Small quantity generators may transport 55 gallons or less of hazardous waste generated at their site to:
- (1) A site that meets the conditions of Env-Hw 501.02(c);
 - (2) A one day household hazardous waste collection event sponsored by a government entity if:

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- a. The waste is given directly to a New Hampshire registered hazardous waste transporter during the collection event; and
- b. Permission is obtained in advance from the government entity sponsoring the collection event; or

(3) A facility authorized under the destination state's rules to handle the waste.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 511.02 Inability to Deliver.

(a) If the transporter is unable to deliver all or part of a hazardous waste shipment, or if a facility rejects all or part of a hazardous waste shipment, the generator shall either designate an alternate authorized facility or instruct the transporter or operator to return the waste.

(b) If a waste shipment is returned, the generator shall:

(1) Ensure that the manifest is completed in accordance with Env-Hw 704.01(b) and (c);

(2) Sign:

- a. Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
- b. Item 20 of the manifest, if the transporter returned the shipment using a new manifest; and

(3) Comply with the applicable storage requirements of Env-Hw 500.

(c) The generator shall forward a copy of the certification of receipt to the department within 5 days of receipt.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 512 RECORDKEEPING AND REPORTING REQUIREMENTS

Env-Hw 512.01 Recordkeeping.

(a) Generators shall keep the following records for at least 3 years:

(1) All manifest copies, including the original generator copy and the copy certified by the designated facility or the foreign consignee, for 3 years from the date of signature by the generator.

(2) A copy of each quarterly activity report, for 3 years from the due date of the report;

- (3) A copy of each exception report;
- (4) A copy of each notification of intent to export;
- (5) A copy of each EPA acknowledgment of consent;
- (6) Records on any test results, waste analyses, or other waste determinations, made in accordance with Env-Hw 502.01, for 3 years from the date that the waste was last sent to treatment, storage or disposal; and
- (7) Records of any hazardous waste spills or discharges.

(b) The time period specified in (a), above, shall be automatically extended during the course of any enforcement action until such action has been resolved.

(c) Manifests may be retained on microfiche or any other electronic media approved by the department, if certified by a responsible company official and available during an inspection by the department.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 512.02 Quarterly Reporting.

(a) The department shall mail a hazardous waste quarterly activity report summarizing hazardous waste manifest information to each generator who:

- (1) Ships hazardous waste off-site using a manifest; or
- (2) Treats, stores, or disposes of hazardous waste on-site pursuant to Env-Hw 304, Env-Hw 700, Env-Hw 805, Env-Hw 806, Env-Hw 808, or Env-Hw 809.

(b) If a generator meets the criteria specified in (a)(1), above, and has not received a quarterly activity report within 45 days following the last day of the previous quarter, the generator shall ask the department to send a new report.

(c) Unless exempted under (d), below, a generator who receives a hazardous waste quarterly activity report from the department shall return a certified copy of the report to the department.

(d) Political subdivisions that manifest less than 300 kilograms or 661.5 pounds of hazardous waste in a 3-month period shall be exempt from submitting a quarterly report pursuant to (c), above.

(e) Generators who manifest at least 300 kilograms or 661.5 pounds of hazardous waste in a 3-month period shall pay the quarterly hazardous waste generator fee established in RSA 147-B:8, subject to the exemptions established in RSA 147-B:9, to the department for deposit into the hazardous waste cleanup fund.

(f) The reporting quarters shall be as follows:

- (1) 1st Quarter - January 1 to March 31;
- (2) 2nd Quarter - April 1 to June 30;

- (3) 3rd Quarter - July 1 to September 30; and
 - (4) 4th Quarter - October 1 to December 31.
- (g) Quarterly activity reports shall include the following:
- (1) Reporting quarter;
 - (2) Name, mailing address, site location, and EPA identification number of the generator;
 - (3) Weight in pounds of the hazardous waste manifested during the reporting quarter, summarized by manifest tracking number and EPA or state waste number;
 - (4) Weight in pounds of the quarter's manifested hazardous waste that was exempted from fees pursuant to RSA 147-B:9;
 - (5) For wastes resulting from the remediation of contaminated properties which are claiming the exemption in RSA 147-B:9, IV, a brief description of the efforts undertaken to remediate the contaminated property, including the details of the eligibility criteria found in RSA 147-B:9, IV;
 - (6) Fee payment due to the state of New Hampshire; and
 - (7) Certification of the accuracy of the report by a responsible company official.
- (h) The generator shall:
- (1) Review the reports for accuracy;
 - (2) Correct any errors; and
 - (3) Notify the department of any needed corrections within 30 days of receipt of the report.
- (i) The generator shall submit to the department each quarterly activity report along with the appropriate fee within 30 days of receipt.
- (j) Fees required by RSA 147-B:8 shall be assessed based on the weight of hazardous wastes calculated from information written on the generator's manifests, as follows:
- (1) The assessed weight of hazardous wastes shall be calculated from information written on the generator's manifests; and
 - (2) If the generator inadvertently omits a waste code in manifest item 13 as required by Env-Hw 510.03(b)(1), the hazardous waste shall not be exempt from the fee unless the generator corrects the error by having the receiving facility submit a certification to the department that the waste was or will be recycled.
- (k) Failure to submit the quarterly activity report or to enclose the fees due as specified in paragraph (j) above, shall result in the assessment of penalties and interest pursuant to RSA 147-B:8, as follows:
- (1) A 10 percent penalty shall be added to amount of fees due for that quarter; or
 - (2) If no fees are due, a penalty of \$1 per day that the report is not submitted after the deadline shall be assessed.
- (l) Fees paid by check or money order shall be:

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- (1) Made payable to "Treasurer, State of New Hampshire"; and
- (2) Delivered or mailed to the department.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 512.03 Export Reporting.

(a) A generator who exports hazardous waste shall also file an annual report with the administrator of EPA by March 1 of each year. The report shall be based on exports made during the previous calendar year and shall include the information specified in 40 CFR 262.56, 7-1-07 edition.

(b) The report shall be submitted to:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International Compliance Assurance Division (2254A)
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

(c) Hand delivered reports shall be sent to:

Office of Enforcement and Compliance Assurance
Office of Federal Activities, International Compliance Assurance Division
Environmental Protection Agency
Ariel Rios Building
12th Street and Pennsylvania Avenue, NW
Washington, DC

(d) Generators who are also treatment, storage or disposal facilities shall submit additional annual report information in accordance with Env-Hw 705.03.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 513 EMERGENCY ACTION; REMEDIAL ACTION

Env-Hw 513.01 Immediate Discharge Response Actions.

(a) The generator shall report any discharge of hazardous waste or any discharge of a material which when discharged becomes a hazardous waste that poses a threat to human health or the environment, for example, into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters, immediately, not to exceed one hour from the discovery of the release, to local emergency officials and to:

- (1) The department's emergency response telephone number at (603) 271-3899, Monday through Friday, 8 a.m. to 4 p.m.; or

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(2) The New Hampshire department of safety telephone number at (603) 271-3636, 24 hours/day.

(b) The generator also shall comply with the emergency procedures as specified in 40 CFR 265.56, 7-1-01 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 513.02 Discharge Cleanup.

(a) The generator shall immediately contain and clean up, within 24 hours, any hazardous waste discharge or any discharge of a material which, when discharged, becomes a hazardous waste.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours, the generator shall submit a clean-up plan to the department within 5 days of the discharge.

(c) The clean-up plan shall:

(1) Provide for the protection of human health and the environment;

(2) Provide for the removal and proper disposal of the contamination source;

(3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the clean up is successful; and

(4) Include a time table for completion of the clean-up plan.

(d) The department shall review the proposed clean-up plan and approve it if it determines that the plan meets the criteria set forth in (c), above.

(e) The generator shall implement the clean-up plan as approved by the department pursuant to (d), above.

(f) Within 30 days of completion of the clean up, the generator shall submit a report to the department detailing the actions taken.

(g) If the complete clean up can not be accomplished in accordance with (b) through (f), above, the generator shall submit a scope of work proposal for site investigations pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 513.03 Waiver of Manifest and Permit Requirements for Emergency Response.

(a) In the event of an accidental discharge during generation, transportation, treatment, storage, or disposal of a hazardous waste or material, the department shall, during the response to the event, waive any of the manifest and permit requirements if such waiver:

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- (1) Is necessary to facilitate a prompt response; and
- (2) Will protect human health and the environment.

(b) A person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

- (1) An unplanned discharge of a hazardous waste;
- (2) An imminent and substantial threat of a discharge of hazardous waste; or
- (3) A discharge of a material which, when discharged, becomes a hazardous waste.

(c) Any person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

PART Env-Hw 514 SMALL QUANTITY GENERATOR SELF-CERTIFICATION

Env-Hw 514.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 147-A:5, IV relative to self-certification of compliance with applicable hazardous waste rules by small quantity generators (SQGs) of hazardous waste.

(b) This part shall apply to each hazardous waste generator that generates, for every month of the generator's operations, less than 100 kilograms or 220 pounds of hazardous waste per month.

(c) Nothing in this part shall eliminate or otherwise affect the obligation of an SQG to comply with all applicable requirements of RSA 147-A and the New Hampshire hazardous waste rules, Env-Hw 100 et seq.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 514.02 Definitions. For purposes of this part, the following definitions shall apply:

- (a) "Declaration" means a completed self-certification form and any attachments thereto;
- (b) "Small quantity generator (SQG)" means a hazardous waste generator that generates, for every month of the SQG's operations, less than 100 kilograms or 220 pounds of hazardous waste per month for every month; and
- (c) "SQG whose declaration is due" means:
 - (1) In 2009 and every third year thereafter, SQGs in Rockingham and Strafford counties;
 - (2) In 2010 and every third year thereafter, SQGs in Hillsborough and Cheshire counties; and

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(3) In 2011 and every third year thereafter, SQGs in Merrimack, Coos, Carroll, Belknap, Sullivan, and Grafton counties.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 514.03 Self-Certification Procedures.

(a) On or before October 1 of each year, the department shall mail a self-certification form and explanatory information to each SQG whose declaration is due.

(b) Subject to (d) below, any SQG whose declaration is due who does not receive a self-certification form by October 10 shall notify the department no later than October 20.

(c) Upon receiving notification pursuant to (b), above, the department shall mail a self-certification form and explanatory information to the SQG.

(d) An SQG whose declaration is due may download the self-certification form and explanatory information from the department's web site in lieu of requesting a paper copy from the department.

(e) Each SQG whose declaration is due shall complete the self-certification form provided by the department and return it to the department no later than January 1, together with:

- (1) The fee, if any, specified in RSA 147-A:5, IV(b) through (e);
- (2) A notification form as specified in Env-Hw 504.02; and
- (3) The corrective action plan required by Env-Hw 514.06, if applicable.

(f) Each SQG whose declaration is due shall send or deliver the declaration, corrective action plan, if any, and the applicable fee to:

Department of Environmental Services, Waste Management Division
Attn: SQG Self-Certification Program
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

(g) Payment shall be made in the form of cash, check, money order, or credit card.

(h) Checks and money orders shall be made payable to "Treasurer, State of NH".

(i) For credit card payments, the SQG shall provide the following information:

- (1) The type of card;
- (2) The card number and expiration date;
- (3) The exact name as shown on the card;
- (4) The name and telephone number of the individual whom the department can call for verification;

- (5) The zip code of the billing address for the card; and
- (6) The address to which the receipt is to be mailed.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 514.04 Self-Certification Form: SQG Identification and Description. Each SQG whose declaration is due shall provide the following identifying and descriptive information on the self-certification form for each facility operated by the SQG:

- (a) The facility's business name;
- (b) The facility's mailing address;
- (c) The facility's street address if different than the facility's mailing address;
- (d) The municipality in which the facility is located;
- (e) The facility's EPA identification number;
- (f) The name and title of the individual completing the self-certification form on behalf of the SQG, and the individual's daytime telephone number and mailing address if different from the SQG's and, if available, an e-mail address and fax number;
- (g) The date or dates on which the self-certification inspection and the file review were conducted;
- (h) The name and mailing address of the owner of the property, if other than the SQG;
- (i) Whether the facility:
 - (1) Only generates used oil for recycle;
 - (2) Only generates hazardous waste through recovery of silver from the use of photo-fixer solution;
 - (3) Generates and accumulates less than 100 kilograms or 220 pounds of hazardous waste per month; or
 - (4) Generates less than 100 kilograms or 220 pounds of hazardous waste per month and accumulates up to 1000 kilograms or 2200 pounds of hazardous waste;
- (j) A list of the hazardous waste(s) generated;
- (k) A description of how the SQG's hazardous waste is generated;
- (l) The amount of hazardous waste generated monthly for each of the 12 months prior to the declaration being completed; and

(m) Whether the hazardous waste determination was done by testing or by knowledge of the process and materials used.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 514.05 Self-Certification Form: Self-Certification of Compliance.

(a) Subject to Env-Hw 514.06, each SQG whose declaration is due shall verify through appropriate inspections and record reviews that the SQG is in compliance with the following provisions if applicable to the SQG's operations:

- (1) Env-Hw 504.02 relative to filing a declassification form if the SQG has ceased hazardous waste activities at the location identified on the SQG's original notification form;
- (2) Env-Hw 507.01 relative to storage requirements;
- (3) Env-Hw 507.02 relative to storage time requirements;
- (4) Env-Hw 507.03 relative to labeling containers and tanks containing hazardous waste and shipping hazardous waste off-site;
- (5) Env-Hw 508.02 relative to quantity of storage and preparedness and prevention;
- (6) Env-Hw 508.03 relative to extended storage;
- (7) Env-Hw 510.01 through Env-Hw 510.06 relative to manifests;
- (8) Env-Hw 511.01 relative to delivery of hazardous wastes to an authorized facility;
- (9) Env-Hw 512.01 relative to maintaining records;
- (10) Env-Hw 512.02 relative to quarterly reporting and paying generator fees;
- (11) Env-Hw 512.03 relative to exporting hazardous waste;
- (12) Env-Hw 513.01 relative to reporting discharges of hazardous waste;
- (13) Env-Hw 803.05 relative to documenting a claim of recycling of hazardous wastes; and
- (14) Env-Hw 1100 relative to requirements for universal waste management.

(b) The completed self-certification form shall be signed and dated by the owner or other senior executive official of the SQG.

(c) The signature of the SQG's owner or other senior executive official shall constitute:

- (1) An affirmation that the information provided and other statements made on the self-certification form are correct and complete to the best of the individual's knowledge and belief;
- (2) An affirmation that the individual signing the form is familiar with the rules listed in (a), above, and with the SQG's operations and procedures with respect to hazardous waste at the facility covered by the declaration; and

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(3) An acknowledgment that the signer understands that RSA 641:3 provides criminal penalties for making false or otherwise misleading statements with a purpose to deceive a public servant in the performance of official duties.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

Env-Hw 514.06 Corrective Action Plan.

(a) If, at the time the declaration is due, the SQG is not in compliance with one or more of the provisions identified in Env-Hw 514.05(a), the SQG shall submit a corrective action plan as described in (b) and (c), below, with the declaration.

(b) For each instance of non-compliance, the corrective action plan shall identify:

- (1) The provision with which the SQG is not in compliance;
- (2) The action(s) the SQG has taken to date, if any, and the action(s) the SQG will take to come into compliance;
- (3) The schedule on which the remaining corrective action(s) will be implemented; and
- (4) The procedures adopted by the SQG to prevent a recurrence of the non-compliance.

(c) The corrective action plan shall also specify the date by which all remaining corrective actions shall be completed, which shall be as soon as practicable but in no event later than 90 days from the date the declaration is due, unless an extension is granted pursuant to (e) and (f), below.

(d) Within 30 days of completing all actions included in the corrective action plan, the SQG shall submit a certification of completion to the department that includes:

- (1) A description of the corrective action(s) taken to comply with the corrective action plan; and
- (2) The date each corrective action was completed.

(e) If a corrective action cannot be completed within 90 days of the date the declaration is due, the SQG may submit a written request for an extension explaining the circumstances warranting such an extension.

(f) The department shall grant an extension requested pursuant to (e), above, if the corrective action cannot be completed within 90 days due to circumstances that are beyond the control of the SQG.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09

APPENDIX

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 500 (see also sections listed below)	RSA 147-A:3, III-VII; RSA 147-A:5, IV; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9	40 CFR 261; 40 CFR 262
Env-Hw 501.02(e)	RSA 147-A:3, IV	40 CFR 261.9
Env-Hw 503.03(d)	RSA 147-A:3, IV	40 CFR 261.5
Env-Hw 503.03(h)	RSA 147-A:3, VI	40 CFR 261.5
Env-Hw 504.02(a),(d)&(e)	RSA 147-A:3, VI	40 CFR 262.12
Env-Hw 505.01	RSA 147-A:3, VI	40 CFR 262.12
Env-Hw 505.02(a)	RSA 147-A:3, VI	40 CFR 262.12
Env-Hw 505.04	RSA 147-A:3, VI	40 CFR 262.12
Env-Hw 507.02	RSA 147-A:3, IV	40 CFR 262.34
Env-Hw 507.03(a)	RSA 147-A:3, IV	40 CFR 262.34
Env-Hw 507.03(b)&(c)	RSA 147-A:3, III & IV	40 CFR 262.32 and 262.33
Env-Hw 508.03(j)	RSA 147-A:3, IV	40 CFR 261.5
Env-Hw 509.03	RSA 147-A:3, IV	40 CFR 262.34
Env-Hw 510.01 – 510.03	RSA 147-A:3, IV & V; RSA 147-B:7-9	40 CFR 262 Subpart B and the Appendix to 40 CFR 262
Env-Hw 510.03	RSA 147-A:3, V & IV; RSA 147-B:7; RSA 147-B:9	40 CFR 262.20
Env-Hw 510.06	RSA 147-A:3, IV & V	40 CFR 262 Subparts E and F
Env-Hw 511.02(b)	RSA 147-A:3, III-VI	40 CFR 262.34
Env-Hw 512.01(a)(2)	RSA 147-A:3, VII	40 CFR 262.40
Env-Hw 514.01- 514.06	RSA 147-A:5, IV	